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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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12 JASON RICHARD PRESTON,

13 Petitioner,

14 v.

15 WILLIAM MUNIZ,

16 Respondent.  
17

) Case No. LA CV 16-1839- ODW (JCG)

) **ORDER ACCEPTING REPORT AND**  
) **RECOMMENDATION OF UNITED**  
) **STATES MAGISTRATE JUDGE**

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate  
19 Judge's Report and Recommendation, and the remaining record. No objections to the  
20 Report and Recommendation have been filed.  
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1 Accordingly, IT IS ORDERED THAT:

- 2 1. The Report and Recommendation is approved and accepted;  
3 2. Judgment be entered dismissing this action with prejudice; and  
4 3. The Clerk serve copies of this Order on the parties.

5 Additionally, for the reasons stated in the Report and Recommendation, the  
6 Court finds that Petitioner has not shown that “jurists of reason would find it debatable  
7 whether”: (1) “the petition states a valid claim of the denial of a constitutional right”;  
8 and (2) “the district court was correct in its procedural ruling.” *See Slack v. McDaniel*,  
9 529 U.S. 473, 484 (2000). Thus, the Court declines to issue a certificate of  
10 appealability.

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12 DATED: April 26, 2017

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HON. OTIS D. WRIGHT II  
UNITED STATES DISTRICT JUDGE